

**Utah Solid and Hazardous Waste Control Board**  
**MEETING MINUTES**  
**January 10, 2008**

The Board meeting was held in conjunction with a morning tour of the Washington County Sanitary Landfill, a Do-It-Yourself used oil collection facility, and a leaking underground storage tank site. No discussion of any agenda items or Board actions occurred during the tour.

**Board members present at the tours:** Carlton Christensen (Chair), John Newman (Vice Chair), Scott Bruce, Kory Coleman, Jeff Coombs, Ryan Dupont, Dennis Riding.

**Others present at the tours:** Dennis Downs, Brad Johnson, Rusty Lundberg, Scott Anderson, Raymond Wixom, Cheryl Prawl, Sam Schroyer, Matt Sullivan, John Menatti, Doug Hansen, Randy Taylor, John Chartier.

**Utah Solid and Hazardous Waste Control Board Meeting**  
**Southwest Utah Public Health Department (Room #429)**  
**620 South 400 East, St. George, Utah**  
**MEETING MINUTES**  
**January 10, 2008**  
**1:00 p.m.**

**Board Members Present:** Carlton Christensen (Chair), John Newman (Vice Chair), Scott Bruce, Kory Coleman, Jeff Coombs, Ryan Dupont, Dennis Riding.

**Board Members Excused:** Michael Brehm, Craig Forster, Gary Mossor, Kevin Murray, Craig Anderson, Rick Sprott.

**Staff Members Present:** Dennis Downs, Brad Johnson, Scott Anderson, Shane Bekkemellom, John Chartier, Doug Hansen, Arlene Lovato, Rusty Lundberg, Cheryl Prawl, John Menatti, Terry Montgomery, Randy Taylor.

**Others Present:** Kris Snow, Angela Van Dam, Neil Schwendiman

**I. Call to Order**

Carlton Christensen (Chair) called the meeting to order at 1:00 p.m. Mr. Christensen stated that a number of Board members were not able to make the trip to St. George and asked that the following Board members be excused: Michael Brehm, Craig Forster, Gary Mossor, Kevin Murray, Craig Anderson, and Rick Sprott.

**II. Discussion of morning field trip activities**

Dennis Downs introduced Randy Taylor and John Chartier. Both individuals work for DEQ as District Engineers and are assigned various environmental oversight responsibilities for each of the Divisions within DEQ in the southwestern area of the State.

Mr. Downs thanked all those individuals involved for their efforts in facilitating the morning tours. Mr. Downs stated that solid waste management practices in both Hurricane and St. George have improved tremendously throughout the years. Mr. Downs commented that, prior to the opening of the Washington County Landfill, which is operated by Allied Waste, there were approximately 10-15 dump

sites operating in and around the County, and the County was in great need of improving its solid waste management policies and practices.

Carlton Christensen thanked the staff and Allied Waste for the opportunity to tour the landfill. Mr. Christensen stated he was impressed with how clean the facility was and how well it is maintained and was surprised to find housing units located in such close proximity to the facility. Mr. Riding also thanked all individuals for the tours and commented that it was good to see first hand the cleanups of leaking underground storage tank sites. Mr. Christensen also thanked the Southwest Utah Public Health Department for allowing the Board to utilize their facility to conduct the Board meeting.

### **III. Presentation from the Recycling Coalition of Utah (Southern Utah Recycling Coalition) regarding recycling activities in SW Utah**

Rusty Lundberg noted that the tour of the various facilities helped demonstrate how valuable it is to recycle whenever possible and try to figure out what to do with our waste products, rather than just throwing them into the garbage can for the landfills to handle.

Mr. Lundberg also noted that recycling is gaining interest across the State, and for the past years, there has been an organized effort by the Recycling Coalition of Utah to address these recycling issues. The Recycling Coalition of Utah is a partnership between government entities, private individuals, and commercial entities to raise awareness of the value and need to recycle. Unfortunately, most recycling is market dependent. Another issue of great concern is the continued growth in Utah, including the southwestern part of the State.

Mr. Lundberg informed the Board that a joint meeting was held a year ago with the Recycling Coalition of Utah and a recycling group in Southern Utah. Mr. Lundberg then introduced Mr. Tim Gray, who is a student at Southern Utah University, and President of the Southern Utah Recycling Coalition. The Southern Utah Recycling Coalition will soon be included as a chapter of the Recycling Coalition of Utah. These types of organizations serve as a tool for public education, as well as outlets for companies to become aware of and involved in the various recycling issues.

Mr. Gray gave a presentation entitled “Recycling and Education Efforts in Southern Utah.” (A copy of the presentation is available in the meeting minutes.)

Mr. Gray stated that the Southern Utah Recycling Coalition is a little different from the Recycling Coalition of Utah, as no markets currently exist in southern Utah. Therefore, the Coalition is a grassroots organization that is made up of concerned citizens from both private and public organizations in the five-county region of southern Utah. A \$40,000 grant was provided by the U.S. Environmental Protection Agency in 2005 to get the organization started. The Coalition’s vision is to institute a long-term recycling program in the five-county region of southern Utah for future generations. The strategic plan is to educate the youth, community, decision makers, including businesses; establish a materials recycling facility (MRF); coordinate resources; and engage in ongoing research and assessment.

Carlton Christensen asked if there is a local market for any of the recycled material. Mr. Gray stated that, prior to November, there have been no markets located in the area. However, a recycling facility in Cedar City will be coming online in the near future.

Jenifer Harris, a member of the Southern Utah Recycling Coalition and representing Blue Waters and Blue Sky Services, provided additional information with a presentation entitled “History of Recycling, 2003-Present.” (A copy of the presentation is available in the meeting minutes.) The outline of the presentation included: Blue Sky Services; Beginning of time (2004); Earth Day; Resources of the Area;

Challenges of the Area; Unique Southern Utah; Formation of SURC/Intro to Head Waters; Blue Waters; Don't Waste Dixie; and MRF. Ms. Harris commented that targeting and educating the children will make a huge difference in all recycling efforts in the future. She also noted that it is becoming "the norm" to be concerned and educated about the environment.

Ms. Harris reported that an E-recycling day had been conducted and approximately 11,000 lbs. of electronic waste were collected from residents in southern Utah. Also, curb-side recycling efforts are currently underway for the residents of Washington County. Ms. Harris stated that managing the growth in southern Utah means managing the garbage, which also means recycling.

Carlton Christensen thanked both Mr. Gray and Ms. Harris for their willingness to provide presentations to the Board and commended them for their efforts to establish recycling programs in the southwestern part of the State.

#### **IV. Approval of Meeting Minutes for the November 8, 2007 Board Meeting (Board Action Item)**

Kory Coleman moved to approve the November 8, 2007 Board meeting minutes. The motion was seconded by Ryan Dupont and **UNANIMOUSLY CARRIED.**

#### **V. Underground Storage Tank Update**

Brad Johnson gave an update to the Board members on the cash balance for the Petroleum Storage Tank (PST) Fund, which is at approximately 12.4 million dollars. Over time, the cash balance has continued to steadily increase. However, numerous claims for large amounts were made against the Fund in December 2007, which means that the balance may decrease over the next few months.

Dennis Riding asked if the balance of the Fund is beginning to stabilize. Mr. Johnson stated that although the Fund did pay some large claims within the last few months, it is still anticipated that the balance will probably continue to increase over time.

##### **A. Gunnison Top Stop**

Utilizing a PowerPoint presentation, Mr. Johnson briefed the Board members on the activities taking place at the Gunnison Top-Stop facility. (A copy of this presentation is available with the meeting minutes.) This overview of the facility included a general chronology of the events that have taken place since the leak occurred, the steps taken to investigate the leak, and the remediation activities used to date to cleanup the spill. The overview also included the health risks associated with exposure to gasoline vapors, the different options available to owner/operators regarding leak detection, and what the future steps are in managing this release.

Jeff Coombs questioned that with the options of leak detection available that are found in federal rule and adopted by the State, does the State of Utah have the option of being more restrictive and not allow Statistical Inventory Reconciliation (SIR). Mr. Johnson explained that there is a specific statute in state law that prevents State environmental laws from being more stringent than federal law. However, the Board can pass rules that are more stringent than federal requirements when specific criteria are met. If the State ever decided to go in this direction, it would then be up to the Board to make a decision on whether or not to allow SIR.

R. Ryan Dupont then asked if there are any states within the nation that are more restrictive than the federal law. Mr. Johnson stated that there are some states that do have requirements that are more stringent than federal requirements. However, we are not aware of any states that are precluded by state statute from being more stringent than the federal government.

## **B. UST Legislation Update**

Mr. Johnson explained to the Board members that included in their Board Packet was the draft version of the Underground Storage Tank (UST) Amendments that the Board has discussed in previous meetings. The Federal Energy Policy Act of 2005 refers directly to the Federal Solid Waste Disposal Act and requires the State of Utah to comply with six different provisions. However, Utah statutes reference the Resource Conservation and Recovery Act. Due to this difference in reference, it is possible for someone to argue that the Division of Environmental Response and Remediation (Division) does not have the legal authority to implement the provisions of the Energy Act. The amendments simply change the reference so that Utah statutes refer to the Solid Waste Disposal Act instead of the Resource Conservation and Recovery Act. The amendments were unanimously approved by the Agriculture/Natural Resources/Environment Legislative Interim Committee (Interim Committee) in their November 2007 meeting and will go before the State Legislature under House Bill 50, sponsored by Representative Sylvia Anderson.

Mr. Johnson then stated that in July 2007, the Division also appeared before the Interim Committee to seek reauthorization of the UST Statute, as it was up for sunset review. At that time, it was also unanimously agreed by the Interim Committee that the statute be recommended for reauthorization for another ten years. This issue will also go before the Legislature in the upcoming Legislative Session.

## **VI. Methamphetamine Contamination Legislation**

Mr. Johnson informed the Board members that on January 11, 2008, a Subcommittee meeting of the Governor's Methamphetamine Joint Task Force (Joint Task Force) will be held in order to discuss what specifically will be proposed for legislation in the upcoming Legislative Session. Although there has not been a specific bill that has been introduced as of yet, the Joint Task Force will be looking at the following issues:

- Requiring the Utah Department of Health to develop health-based standards for methamphetamine cleanup.
- Changing reporting requirements, as current state statutes and rules only require reporting of methamphetamine laboratories. This possible change in legislation could require reporting for sites where methamphetamine is used, not just manufactured.
- Receive funding for developing a public awareness campaign and to support an individual within each local health department to deal with methamphetamine issues.
- Requiring disclosure of methamphetamine use or production on properties where transactions are being conducted.

Another issue to be reviewed by the Joint Task Force, which directly affects the Division, is establishing a low interest loan remediation fund that would allow individuals to receive a loan to conduct cleanup of any methamphetamine contamination that is encountered on their property.

## **VII. Approval of proposed changes to the Used Oil Rules: R315-15-1, 10, 11, 12, and 17 for rulemaking and public comment period (Board Action Item)**

Cheryl Prawl reviewed the proposed changes to the used oil management rules and requested the Board authorize the Executive Secretary to begin the formal rulemaking process and public comment period. The proposed changes affect the following used oil rules: R315-15-1, R315-15-10, R315-15-11, R315-15-12 and R315-15-17. Ms. Prawl also informed the Board that, along with the proposed rule changes, financial assurance mechanism forms will be incorporated by reference in R315-15-17. By incorporating these new forms by reference, they will be published by the Executive Secretary and made available at the Division's office and on the Division's web site.

The used oil management rules cover the permitting of used oil facilities and the proper management and recycling of used oil in the state. A minor change was made to the rule in 1998, but substantial changes have not been made since the rules were first promulgated in 1993. The purpose of the proposed changes is to update requirements to make the used oil rules pertaining to financial assurance more consistent with other Division programs, provide more clarity, and to include requirements specified in the Used Oil Management Act that were not included in the original rules. In addition, standardized wording for the various financial assurance mechanisms has been requested by the regulated community and their counsel to improve and streamline the permit application process. The proposed rule changes and forms were available for review and comment during a 30-day informal public review period. A scoping meeting was also held and two facilities provided comments. The comments and the Division's response to the comments were included in the Board's packet.

Dennis Riding asked if the proposed rule changes would affect small operators, such as the one the Board toured earlier in the morning. Ms. Prawl stated no, as used oil collection facilities are not required to have liability insurance, as long as they have secondary containment, keep current log sheets, and any/all spills are cleaned up. Ms. Prawl clarified that used oil transporters would be required to obtain insurance in the amount of \$1 million per occurrence and \$2 million in the aggregate. Many already have the insurance which is used to pay for spill clean up, etc. Others affected by the rule changes are the used oil processors and all used oil transfer facilities where used oil is stored. Regarding the insurance, Ms. Prawl explained that because environmental cleanups are so costly, the standard is now \$1 million per occurrence and \$2 million aggregate. Board members asked for clarification regarding Comment #1 received during the pre-rulemaking scoping process with used oil program stakeholders. Ms. Prawl clarified that Comment #1 was not related to the changes being presented, as only five of the seventeen sections of the rule are affected by the changes being presented at this time. Ms. Prawl stated that as other changes are brought to the Board in the future, Comment#1 would be applicable and would be addressed at that time.

**It was motioned by John Newman and seconded by Dennis Riding and unanimously carried to approval the proposed changes to the Used Oil Rules: R315-15-1, 10, 11, 12, and 17 for rulemaking and public comment period.**

## **VIII. Chemical Demilitarization Section**

### **A. TOCDF Update**

Scott Anderson briefed the Board on the status of the TOCDF. Currently, the TOCDF is continuing to prepare for a trial burn of the 155mm mustard projectiles. A shake-down process will precede the trial burn and will utilize approximately 12,000 of the 55,000 projectiles. The trial burn is scheduled for the metal parts furnace only and will be conducted pursuant to an approved trial burn plan. The Division will oversight the entire process. Following the trial burn, the TOCDF will continue to process at a reduced level until final operating conditions are established, based on the results of the trial burn.

Demolition activities continue at CAMDS. These activities are limited to "non-agent" buildings. A waste analysis plan is currently being reviewed. This plan will be used to support closure plans that will be developed for various areas of the facility the still need to undergo closure.

### **B. Dugway Proving Ground Update**

Dugway is completing remediation work on its last hazardous waste management unit, which should be finished by the end of the month. With the completion of this unit, all such units will have been cleaned closed or closed with future monitoring requirements as specified in the post-closure permit. This is a

great milestone for Dugway as it has expended significant resources and commitment to its Site Restoration Program.

Dennis Downs noted that Board members had previously expressed an interest in touring Dugway. Mr. Downs indicated that he had spoken with Dugway representatives and they would be delighted to provide a tour to the Board. It was recommended that the Board tour Dugway in the spring. The tour would take approximately ½ a day. As one option, Jeff Coombs offered a meeting room in the Tooele Health Department for the Board meeting in the afternoon following the tour.

## **IX. Other Business**

### **A. Proposed Legislation for 2008 Session**

Dennis Downs provided the following information on two proposed bills for the 2008 Legislative session.

Senate Bill 46 - Anti-Flow Control Amendments, sponsored by Senator Dan Eastman. There are some counties/special services districts in the State that, in order to maximize their profitability of running their own landfills, have either required or are proposing to require that all waste within their area of jurisdiction go to their own facility, regardless of who picks it up and/or transports/collects it. This bill defines terms, makes technical changes and prohibits a public entity from requiring a private waste management company to use a specific waste facility unless the public entity holds a public hearing and finds that private waste management service is inadequate or endangering the public health. Mr. Downs stated that DEQ is neutral on this bill, as it is a political/policy issue for local governments.

Kory Coleman stated that Allied Waste would like the current situation to continue as is. He informed the Board that Davis County does not allow haulers to take waste outside of Davis County and they want to expand that to other counties. Mr. Coleman argued that open competition is a good thing, and counties should not be allowed to prohibit private companies from competing.

(HB 132) - Waste Tire Recycling Amendment. Dennis Downs explained that the Waste Tire Recycling Fund was set up to provide reimbursement to waste tire recyclers to encourage recycling. The Fund, which is a restricted account, was set up by the Legislature. The current statute requires that, for every new tire purchased in the State, \$1 dollar be collected and deposited into the Waste Tire Recycling Fund. The Legislature also established different levels of reimbursement amounts based on the different types of recycling. Representative Neal Hendrickson is currently involved in sponsoring legislation regarding waste tire recycling amendments.

Rusty Lundberg explained that recycled tires are used as alternative cover at landfills, fuel, or are used to manufacture products such as crumb rubber for football fields, running tracks, and playground surfaces. The manufacture of crumb rubber has increased significantly, and because it receives the highest amount of reimbursement, the waste tire fund has been drawn down over the years. A handout entitled "Yearly Waste Tire Recycling by Recycling Type" was distributed and discussed with the Board. (A copy of the handout is provided with the meeting minutes.)

Mr. Downs stated that because the fund will soon run out, two options are available to ensure the fund remains solvent. (1) The fee charged at the time of tire purchase could be increased; or (2) the amount that is being paid out to recyclers could be reduced. A bill has been proposed, listed as protected at this time, which would reduce the reimbursement paid to waste tire recyclers for certain types of tire recycling. The preferable option is to not increase the fee on new tire purchases, but to reduce the amount of reimbursement. Waste tire recyclers have provided input on this issue and would not oppose

a reduction in the reimbursements paid out to them. The main goal is to ensure this program continues and is successful.

Jeff Coombs commended the Division for the success of this program. Mr. Coombs stated that this program has virtually cleaned up all the waste tire pile problems that have existed throughout the State.

B. **Misc. Information Items** – None to report

C. **The next Board meeting will be held on February 14, 2008 at 1:00 p.m. in the DEQ Building #2, (Conference Room 101), SLC**

**X. Adjourn**

The meeting adjourned at 2:55 p.m.